

## Remarks

Claims 1-21 remain pending in the present application.

### Claim Rejections--Bryant

#### Bryant

Claims 1-3, 8, 9, 15, 16, 17, 20 and 21 were rejected under 35 U.S.C. 102(e) as being anticipated by Bryant (US 20050078656). This rejection is respectfully traversed.

Claim 1 recites as follows.

1. A method of cost determination for paths between switches in a mesh, the process comprising:
  - defining a set of paths between each pair of the mesh switches;
  - calculating start-up costs for the paths; and
  - recalculating costs for the previously defined paths using a **directed** cost protocol.

(Emphasis added.)

As emphasized above, claim 1 recites “recalculating costs for the previously defined paths using a **directed** cost protocol.” (Emphasis added.) As explained on page 14, lines 5-7, “While the initial flooding **602** is essentially ‘undirected’ or without direction, the recalculation **612** is ‘directed’ in that it is specifically targeted to only the pre-defined paths.”

In contrast to claim 1, Bryant does not disclose “recalculating costs for the previously defined paths using a **directed** cost protocol.” Rather, Bryant appears, at most, to disclose undirected recalculation of costs, if that.

In particular, the office action cites to the Abstract and paragraph 35 of Bryant in relation to this “recalculating costs ... using a directed cost protocol” limitation. However, there appears no disclosure in these citations of a recalculation of costs which is directed in that it is specifically targeted to only predefined paths. If this rejection is maintained, applicants respectfully request that a detailed explanation be given as to how the Abstract and paragraph 35 of Bryant disclose “recalculating costs ... using a directed cost protocol.”

Claims 2-3 and 8 depend from claim 1. Therefore, these dependent claims also overcome this rejection for at least the reasons discussed above in relation to claim 1.

Independent claim 9 recites “means for recalculating costs for the previously defined paths using a **directed** cost protocol.” (Emphasis added.) (Although there was no express rejection of claim 9, it is assumed by the applicants that the Examiner meant to also reject claim 9 based on the reasoning of claim 1.) For reasons discussed above in relation to claim 1, applicants respectfully submit that Bryant does not disclose any directed cost protocol, such that claim 9 also overcomes this rejection.

Independent claim 15 recites a packet switch apparatus with a packet control device that “is configured to execute **directed** cost protocol instructions in order to recalculate costs for previously defined paths.” (Emphasis added.) For reasons discussed above in relation to claim 1, applicants respectfully submit that Bryant does not disclose any directed cost protocol, such that claim 15 also overcomes this rejection.

Claims 16-17, and 20-21 depend from claim 15. Therefore, these dependent claims also overcome this rejection for at least the reasons discussed above in relation to claim 15.

#### **Claim Rejections--Bryant in view of Kelsey**

Claims 4-6 and 18-19 were rejected under 35 U.S.C. 103 as being unpatentable over Bryant (US 20050078656) in view of Kelsey (US 2005/0249215). This rejection is respectfully traversed.

Claims 4-6 depend from claim 1. Therefore, claims 4-6 are patentable over Bryant for at least the reasons discussed above in relation to claim 1. Kelsey is cited in relation to incrementing cost information by intermediate switches and does not cure the above-discussed deficiencies of Bryant. Therefore, applicants respectfully submit that the rejection of claims 4-6 is overcome.

Claims 18-19 depend from claim 15. Therefore, claims 18-19 are patentable over Bryant for at least the reasons discussed above in relation to claim 15. Kelsey is cited in relation to incrementing cost information by intermediate switches and does not cure the above-discussed deficiencies of Bryant. Therefore, applicants respectfully submit that the rejection of claims 18-19 is overcome.

#### **Claim Rejections--Bryant in view of Erhart**

Claims 7, 10 and 11 were rejected under 35 U.S.C. 103 as being unpatentable over Bryant (US 20050078656) in view of Erhart (US 2005/0068941). This rejection is respectfully traversed.

Claim 7 depends from claim 1. Therefore, claim 7 is patentable over Bryant for at least the reasons discussed above in relation to claim 1. Erhart is cited in relation to path tags and does not cure the above-discussed deficiencies of Bryant. Therefore, applicants respectfully submit that the rejection of claim 7 is overcome.

Claims 10-11 depend from claim 9. Therefore, claims 10-11 are patentable over Bryant for at least the reasons discussed above in relation to claim 9. Erhart is cited in relation to path tags and does not cure the above-discussed deficiencies of Bryant. Therefore, applicants respectfully submit that the rejection of claims 10-11 is overcome.

#### **Claim Rejections--Bryant in view of Erhart further in view of Kelsey**

Claims 12-14 were rejected under 35 U.S.C. 103 as being unpatentable over Bryant (US 20050078656) in view of Erhart (US 2005/0068941) and further in view of Kelsey (US 2005/0249215). This rejection is respectfully traversed.

Claims 12-14 depend from claim 9. Therefore, claims 12-14 are patentable over Bryant for at least the reasons discussed above in relation to claim 9. Erhart is

cited in relation to path tags, and Kelsey is cited in relation to incrementing cost information by intermediate switches. Neither Erhart, nor Kelsey, nor the combination thereof, cures the above-discussed deficiencies of Bryant. Therefore, applicants respectfully submit that the rejection of claims 12-14 is overcome.

### Conclusion

For the above-discussed reasons, applicant respectfully submits that the pending claims are now patentably distinguished over the applied art. Favorable action is respectfully requested.

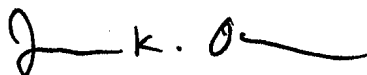
The Examiner is also invited to call the below-referenced attorney to discuss this case.

Respectfully Submitted,

Shaun Wakumoto, et al.

Dated:

6/17/2008



James K. Okamoto, Reg. No. 40,110  
Okamoto & Benedicto LLP  
P.O.Box 641330  
San Jose, CA 95164-1330  
Tel: (408) 436-2111  
Fax: (408) 436-2114

CERTIFICATE OF MAILING			
I hereby certify that this correspondence, including the enclosures identified herein, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.			
Signature:			
Typed or Printed Name:	James K. Okamoto	Dated:	
Express Mail Mailing Number (optional):			